

This is a transcription of episode 1 of Season Two of In the Dark. Italics indicate audio. Musical notations and other production elements aren't included. Because there may be imprecisions in the transcript, the audio should be considered the official record of the episode.

Episode One: July 16, 1996

(Sound of going into a tunnel)

Madeleine Baran: So, this is the tunnel.

Parker Yesko: Should we go through?

Madeleine Baran: Sure.

Jeffery Armstrong: It's kind of slippery, so don't fall. You can walk straight through it. It's been that way since I was a kid.

Madeleine Baran: Wow. It goes straight through.

Long before I ever went into that tunnel, before I had ever even heard of the town where the tunnel was, I heard out about a man named Curtis Flowers. Curtis was from a small town in Mississippi called Winona, but he now lives in a one-man cell in Parchman prison.

Back in 1997, he was convicted and sentenced to death for an awful crime, maybe the worst in the town's history — the murder of four people in a local furniture store.

But what got my attention about Curtis Flowers was something else. It was the fact that Curtis had been tried not once, not twice, but six times, for the same crime.

Six trials over 21 years. All along, Curtis Flowers has maintained his innocence. Curtis kept appealing his convictions. He kept winning and he kept getting tried again, all by the same prosecutor.

Trying someone six times is incredibly unusual. It almost never happens. But it happened here.

This is Season 2 of In the Dark, an investigative podcast from APM Reports. I'm Madeleine Baran.

This season is about the case of Curtis Flowers, a black man from a small town in Mississippi who has spent the past 21 years fighting for his life, and a white prosecutor who has spent that same time trying just as hard to execute him.

David McGee: If you try a man, and you go six times for the same crime, well, something is wrong about the constitution or something is wrong about the law or something is wrong about the prosecution or something is wrong about the defense or something is wrong about the entire system.

For the past year, I've been working with a team of journalists, looking into what happened in the case of Curtis Flowers.

Barney Morgan: It's too long. Way too long. And Curtis Flowers is still in prison and they're still dragging it on.

We've talked to hundreds of people who live in this part of Mississippi, and it's clear that the way people think about the Curtis Flowers case, for the most part, depends on whether they're white or black.

Kenny Johnson: When everyone basically knows the guy's guilty, how much more evidence do you need?

Johnny Earl Campbell: They got the wrong person. That's what I felt.

Joann Young: I know Curtis didn't do it. I would go to my grave believing Curtis didn't do it.

We've tracked down witnesses, lawyers, law enforcement, people who've never been talked to before. A lot of people have told us things about the case of Curtis Flowers that they've never told anyone else.

It's been a long year. And I want to tell you about it.

This story starts on a Tuesday morning, July 16th, 1996, in a northern Mississippi town called Winona. That morning, a little after 9 a.m., a man named Sam Jones got a call from his boss, asking if he could come into work. Sam Jones was 76, but he still worked part-time at one of Winona's oldest businesses, a family-run store called Tardy Furniture.

Tardy Furniture was right downtown on Front Street. It was a red brick building with big glass display windows at the end of a row of old-fashioned storefronts.

For the people of Winona back then, Tardy Furniture signaled respectability. It was the kind of place where you'd go to buy a nice dining room set or a sofa, where the sales clerk would help you match your rug to your lamps. More than one person in town described Tardy Furniture to me as a good Christian store.

When Sam Jones walked into Tardy Furniture, the lights were on, but he didn't see anyone. Maybe, he thought, they're playing a joke on me. He kept walking further into the store and that's when he heard something. It sounded like someone was struggling to breathe. He looked down, and he saw his co-workers, all four of them, on the ground. They'd all been shot in the head.

Winona had only a few thousand people back then, and that morning, hundreds of them made their way to Front Street. People started showing up almost as soon as the police got there. The

mayor came by, so did reporters. Even the town's dog catcher showed up to see if he could lend a hand.

WLBT-TV news coverage: With shock and disbelief, onlookers stare at Tardy Furniture company, site of Winona's quadruple shooting.

Some people walked right up onto the sidewalk and tried to peer through the store's windows, but police shooed them away, and the crowd gathered up on the train tracks, up on a hill on the other side of the street, to look down at the scene.

WLBT-TV news coverage: Friends and relatives identified the dead as Tardy Furniture store owner Bertha Tardy.

Everyone knew the people who died at Tardy Furniture that day. There was the store's owner, a white woman named Bertha Tardy, who'd worked there for decades.

WLBT-TV news coverage: Locals describe Tardy as a person who was well known and well liked here. They say she was very active in her community and her church. For those reasons, many here are having a hard time believing her family business has become the site of such a gruesome crime.

There was Carmen Rigby, a white woman who was married with two grown children. She was Tardy's bookkeeper and sales clerk. There was Robert Golden, a married black man who also had two children, and who'd just been hired to work as the store's delivery man.

WLBT-TV news coverage: A friend told us it was Goldman's first day on the job.

And there was a 16-year-old white teenager named Bobo Stewart. He was the only victim who had survived the shooting.

WLBT-TV news coverage: The fourth victim, Derrick Bobo Stewart, was taken to University Medical Center in very critical condition. Like the others, the teenage all-star baseball player was shot in the back of the head, execution style.

Bobo's father, Randy Stewart, was at work that morning.

Randy Stewart: I was sitting on a bucket at Superior Asphalt repairing a conveyor belt to stack gravel with. And a lady pulled up in a white Nissan car and said, 'Mr. Stewart, get in with me.' I said, 'Ma'am, I'm in a relationship. I'm not getting in that car with you.' She said, 'Do you have a son named Bobo?' I said, 'Yes ma'am, I do. Why?' She said, 'He's been shot.' I went and told my supervisor. I said, 'Jerry, I'm going to the hospital. Bobo's been shot.'

Madeleine Baran: Did you know how bad?

Randy Stewart: No. Not until I walked into the emergency room. I reckon the lead surgeon or doctor or whatever told me, he said, 'Mr. Stewart,' he said, 'if you're close to God,' he said, 'you need to go talk to him.' I can still see Bobo laying in the hospital in Winona when I walked into the emergency room. His head was swelled up like a basketball. And that's something I live with every night, every day, seeing my child laying there like that. It still hurts to this day.

After Bobo was shot, Randy got a room at the Red Roof Inn near the hospital. Bobo's friends wanted to be there, too. So, all of them, Randy, his girlfriend at the time, and Bobo's friends piled into one room together.

Randy Stewart: It was like eight of us. And that's what we did.

Madeleine Baran: Were you sleeping much?

Randy Stewart: No. Mainly go down there and just lay down and rest, take a shower, and go back.

Madeleine Baran: Was he able to talk at all?

Randy Stewart: No ma'am. No ma'am. He was on life support. And it was a little conflict between me and my ex-wife, but she finally agreed to go ahead and unplug it. The only brain function he had going was his stem cell and that was all. Had he lived and be on his own, he would have been a vegetable. But had he lived, we would have took care of him.

Madeleine Baran: And how long did Bobo live for?

Randy Stewart: Six days and seven nights. (Sighs)

Madeleine Baran: It's a lot to talk about.

Randy Stewart: Oh yes. Twenty-one years later, like it was yesterday. Nobody, nobody should have to bury their child.

The quadruple murder at Tardy furniture was one of the biggest crimes in Mississippi in a long time, and nearly every level of law enforcement got involved — the local police, the county sheriff, state investigators.

It was a strange crime. It wasn't at all obvious why anyone would want to kill four people in a small-town furniture store.

All four people had been shot in the head and nowhere else. There didn't appear to have been any missed shots. The victims weren't tied up, and they didn't appear to have been lined up before they were shot. Three of the victims were found within a few feet of each other. One of the victims was a few feet further away.

Nothing in the store seemed to have been disturbed. There were no signs of a struggle. No one had witnessed the murders. No one had heard the gunshots. No one had come forward to confess.

The case was a mystery.

Weeks passed with no arrests. People in the area came together to raise \$30,000 for a reward. The newspaper ran stories about the reward on the front page. Still nothing.

Most people in town had no idea what was going on with the investigation. There were very few updates. People started calling City Hall to complain.

And after a few months, the case was no longer just a mystery. It was a political problem, for one man in particular — the top prosecutor in the district, a man who would go on to spend the rest of his career on this case — District Attorney Doug Evans.

At the time of the murders, Doug Evans was 43 years old. He'd been elected district attorney five years earlier on a promise to let no crime go unpunished. I found some of Doug Evans' old newspaper campaign ads from back then. Evans has a dark moustache and dark hair. One of his ads quotes a group of lawyers calling Evans, quote, a "fine Christian man with unquestioned integrity." Evans' ads promised that if voters elected him, he would make sure that every single case was investigated and that victims and their families would be treated with respect.

Evans needed the Tardy Furniture case solved, so he assigned one of his investigators to work on it — a man named John Johnson.

Johnson started meeting with the families of the victims, but Randy Stewart, Bobo Stewart's dad, said that meeting with Johnson only made him feel worse, that there wasn't much Johnson would tell him about the investigation. He said he almost came to blows with Johnson more than once, like one time when Johnson came by to see him.

Randy Stewart: He had a yellow notepad in his lap. And I took my finger, and I hit Bobo's name about six times. I was forcibly hitting that notepad. 'John Johnson, all I want is a conviction for that child right there.'

Madeleine Baran: And what did John Johnson say?

Randy Stewart: He told me I needed to calm down.

Bobo was the great love of Randy Stewart's life. There was no one Randy was closer to than his son Bobo.

Randy Stewart: I mean he had the personality of an angel. Probably the most loveable human being you'd ever meet in your life. Sixteen years old, six-foot-one, one hundred-and-ninety-six pounds and a 92-mile-an-hour fastball. Super kid.

Randy told me that he and Bobo were more like best friends than father and son. Back then, Randy's marriage had broken up, and Randy and Bobo were living in an apartment together. Randy said he used to own a bar, and Bobo would be there with him almost every night.

And the two of them had a tradition at the bar back then. Every night at closing time, Bobo would take fifty cents out of the register and put it in the jukebox to play their favorite song.

(Sweet Child O' Mine by Guns N' Roses starts)

Randy Stewart: Sweet Child O' Mine. That was mine and Bobo's song. Play Sweet Child O' Mine and crank it up. When that song would come on at two or three o'clock in the morning, everyone would start easing out the door.

Randy said he can still picture Bobo, standing next to the pool table at the bar, like it was yesterday.

Randy Stewart: A pool stick, he'd run you off the table with it. I've seen Bobo come on out of there on Sunday morning and count me out a little over \$1,300 he had in his pocket, shooting pool.

Madeleine Baran: Whoa.

Randy Stewart: Hundred dollars a game. (laughs)

Madeleine Baran: Wow.

Randy Stewart: So yeah, he was a hustler. I know that's not right but everybody in that bar loved that child.

The idea that someone would kill Bobo and get away with it because law enforcement couldn't solve the crime, that was more than Randy Stewart could take.

Six months passed. Then one day in January 1997, John Johnson came to see Randy again. This time, Johnson finally had some news. Law enforcement had solved the crime. They knew who killed Randy's son and the three other people at the store. The killer was a black man from Winona — a man who used to work at Tardy Furniture and was now living in Texas.

Randy Stewart: And he said, 'I'm going to Plano, Texas to get him.' And I hugged his neck and I said, 'Bring his ass back, John. Go get him. Let's convict him.'

His name was Curtis Flowers.

We'll be right back after the break.

(BREAK)

Madeleine Baran: Do you remember how you heard that Curtis had been arrested for the murders?

Kittery Jones: On the radio.

Madeleine Baran: What'd you think?

Kittery Jones: I thought it was crazy.

This is a man named Kittery Jones. He's good friends with Curtis Flowers. He's also Curtis' cousin. I talked to him with our producer Samara.

Kittery actually saw Curtis the morning of the murders, back in July of 1996. When he heard about the killings, around eleven or twelve o'clock that day, he rushed over to Curtis' place to check on him because he knew Curtis had worked down at Tardy Furniture, and he worried that Curtis had been killed.

Kittery was relieved when Curtis opened the door. He was wearing shorts and a t-shirt.

Kittery Jones: I think he had a piece of chicken or something in his hand. I asked him, I said, 'Man, did you hear about what went on down there at Tardy's?' And he said, 'Yeah,' he'd heard about it. And I asked him had he been down. He said no. And I asked him, I told him, I said, 'Man, I thought you was still working down there.' He said no.

Samara Freemark: And what was he, what did he seem like? Like did he seem nervous or —?

Kittery Jones: No, he wasn't nervous at all. He was just the typical Curtis.

Typical Curtis.

Usually in a story like this, you hear from the person in prison, but that's not going to happen in this story. You're not going to hear from Curtis Flowers. Because the Mississippi Department of Corrections won't allow it, even though the department's own policy is to allow for, quote, "reasonable access" between inmates and reporters.

I tried to talk to Curtis for months. We even got a lawyer involved, but the DOC wouldn't budge. They wouldn't even let me talk to Curtis on the phone. I did write letters to Curtis, which I know from talking to his parents that he received, and Curtis' parents told me that he was grateful that a reporter was looking into his case. But Curtis' lawyers told him not to write back to me, because they don't want Curtis writing letters to reporters while the case is on appeal.

Over the past year, I've spent a lot of time talking to everyone I could find who knew Curtis Flowers, trying to get a picture of who he was — not just his friends, but his old school teacher, his ex-girlfriend from high school, his friends' friends, even the people who would later testify against him at trial. And they all described Curtis the same way, like how his childhood friend Michelle Milner put it.

Michelle Milner: He was just always very laid back. You know, smiling, laughing, talking, cordial. I've never seen him, you know, be angry or upset.

In the summer of 1996, the summer of the murders at Tardy Furniture, Curtis Flowers was 26 years old.

Curtis didn't have a criminal record. He was living in Winona with his girlfriend and her kids in a house two blocks from his parents. He didn't have a steady job, but he did work for a few days at Tardy Furniture in late June and early July.

He spent most of his time hanging out with his family — his five siblings, and his cousins and uncles. They would go fishing or just drive around. Curtis didn't have big plans for his life. He'd graduated last in his class from high school. In his high school yearbook photo, he's wearing a suit and black bowtie. He has a round face and a wide smile.

If Curtis was known for anything at all, it was for being a singer in his father's gospel group.

(Audio plays from a video of Curtis singing with his gospel group)

Michelle Milner: He joined this gospel group with his dad, and he was going to different churches, and then they would sing.

I have a video of Curtis performing with a group back then. Curtis sings the lead. He's wearing a grey suit and tie. He's smiling and nodding his head a bit to the music.

Michelle Milner: You know, it was a lot of attention for him and he liked that. He dated the first cousin of my best friend, but she said that he was boring because he always just wanted to talk about singing. That's all he wanted to talk about, was singing.

In the fall of 1996, a few months after the murders, Curtis and his girlfriend moved to Texas to live with his sister. He found a job at a Kroger grocery store. Every few weeks, he would make the seven-hour drive home to Winona to spend time with his parents.

When investigators came for Curtis Flowers in Texas in January of 1997, Curtis didn't fight extradition back to Mississippi. He just got into a car and was driven back. Curtis was put in a jail just outside Winona to wait for his trial to begin.

Curtis and his family didn't know any lawyers. So, his mother asked around, and she found out about a father-son legal team from a few towns over, Billy and John Gilmore. The Gilmores hadn't handled many high-profile murder cases, but the family scraped together their savings to pay for them.

In October of 1997, District Attorney Doug Evans brought Curtis Flowers to trial for murder. Evans had decided to seek the death penalty.

The trial was held a hundred miles away in Tupelo. The jury was all-white.

Doug Evans had been preparing for this moment for more than a year. It was his chance to show the people of Winona that their district attorney would not allow such a horrific crime to go unpunished.

And Evans was ready.

There's no recording of that first trial in 1997 because the courthouse where it was stored burned down, but I did get a copy of the transcript.

Here's the case that Doug Evans laid out for the jurors.

Evans said it all began about two weeks before the murders.

Curtis Flowers had just gotten a job at Tardy Furniture. He'd only been there three days when the store's owner, Bertha Tardy, sent Curtis to pick up some batteries for a golf cart.

Curtis loaded these big batteries onto the back of his truck, but he didn't tie them down, and when he drove away, those batteries slid right off and crashed to the ground. And Curtis just looked at those batteries, and the damage he'd done to them, and laughed. Bertha Tardy didn't think it was funny. She told Curtis that she had no choice but to dock his pay and fire him.

Thirteen days later, on July 16, 1996, Curtis Flowers decided to get revenge for being fired. He woke up early, walked across town, broke into a car, and stole a gun. He walked to Tardy Furniture, and he got there around 10 a.m. He walked inside and shot all four people in the head. He grabbed the money from the cash register, maybe \$300 or so. Then he walked home.

No one witnessed the murders. And no one saw Curtis steal the gun. But Doug Evans said he was able to recreate the route that Curtis walked that morning — the exact streets he took — as Curtis walked to steal the gun, as he walked to Tardy Furniture, and as he walked home.

Evans put a series of people on the stand who testified to seeing Curtis at nearly every point on the route.

Investigators never found the gun that was used in the murders. But Evans said they knew from examining the bullets at the crime scene, that the gun that was stolen that morning was the murder weapon.

Evans told the jurors that investigators had brought Curtis to the police station on the day of the murders and found a single particle of gunshot residue on his hand.

Evans said investigators found bloody shoe prints at the murder scene — made by a Fila Grant Hill basketball shoe. Investigators never found those shoes. But when they searched the house where Curtis Flowers was living with his girlfriend and her kids, they did find a shoe box for Fila Grant Hill shoes — the same size that made the bloody prints.

And Doug Evans said he had something else, one last piece of evidence that was so strong that it took the case not just beyond a reasonable doubt, but beyond any doubt at all — that Curtis

Flowers had confessed to the murders — not to law enforcement, but to two people he'd shared a cell with while he was in jail awaiting trial. They both testified.

Randy Stewart, Bobo's father, was sitting in the courtroom for all this. And as he watched Doug Evans tell this story of what his team had been doing for all those months, he marveled at how skillful it was.

Randy Stewart: It was a jigsaw puzzle. They throw the pieces in and they fit. They tracked him from the time he left his house to the time he got back. Well, OK, we didn't find the tennis shoes. We found a tennis shoe box, though. We didn't find the gun, but we found the projectiles. The evidence was there. You just had to sit down, listen to it with an open mind, and then come back with your verdict.

Madeleine Baran: And was there ever a moment where you thought, 'Well, I don't know, maybe Curtis didn't do it?'

Randy Stewart: Nope. Nope. Evidence was there. The ones that don't believe it didn't pay attention to the evidence.

Curtis Flowers' lawyers tried to poke holes in the case against him.

They said those bloody shoe prints at the crime scene couldn't have come from Curtis. Curtis didn't wear Filas. The lawyers said the shoe box at Curtis' house actually belonged to his girlfriend's teenage son, and that her son had outgrown the shoes and thrown them out. They even had the teenager testify before the jury to confirm that the shoes were his, not Curtis'.

The defense talked about the particle of gunshot residue on Curtis' hand. They suggested it could have come from spark plugs or from fireworks that Curtis had handled over the July 4th holiday.

They said that Curtis had an alibi. He'd started off his morning at home, watching his girlfriend's younger kids before they went to their grandma's house. Then around 9 am., about an hour before the murders, Curtis walked to his sister's house and hung out for a few minutes with some people there. Two of them testified about it.

Unfortunately for Curtis' defense, that time he spent at his sister's house didn't cover the time that investigators said the murders happened.

And finally, the defense decided to call Curtis himself to testify.

On the stand, Curtis denied killing anyone. He said he wasn't fired from Tardy Furniture. He just stopped showing up to work. He said Bertha was nice to him, that she'd even loaned him \$30 to tide him over until his first paycheck.

After the defense was done questioning Curtis, the prosecutor Doug Evans had his turn. And this questioning of Curtis would be the longest conversation the two men would ever have.

Doug Evans said, "You were going to show Ms. Tardy. You were going to go down there and you were going to take a gun, and you were going to get any money that you could get your hands on, wasn't you?"

"No, sir," Curtis said.

It went on like this.

Q. You shot everybody in there in the head, didn't you?

A. No, I didn't.

Q. But you made some mistakes, didn't you?

A. No, sir. I didn't do it.

Q. You didn't wash all the gunshot residue off your hands?

A. I didn't do it.

Q. And you forgot and stepped in the blood?

A. No, sir. I didn't.

Q. That is just a few of the mistakes you made, isn't it?

A. No, sir. I didn't do it.

The jury deliberated for just sixty-six minutes. They reached a verdict. Guilty. And they sentenced Curtis Flowers to death.

Edith Fikes: The evidence showed that he was guilty.

We talked to the jurors who were on that first trial. They told us it wasn't difficult to reach that verdict.

Charles Rousseau: There was no doubt in my mind that he did it. It was pretty cut and dry.

That it was obvious that Curtis Flowers was guilty.

William Green: The prosecution side, they presented all the evidence, I thought, in a very sequential manner. It's what we call walking the dog, you know, just one step at a time moving forward. It was well done.

The judge thanked the jury for their service. The trial of Curtis Flowers was over.

And Randy Stewart left the courtroom, thinking justice had finally been served.

Randy Stewart: Curtis Giovanni Flowers murdered those four people. There's no doubt in my mind. I don't care how many choirs he's sang in or nothing. I believe in a tooth for a tooth, an eye for an eye. And I think he needs to fry in hell, where he's going.

Madeleine Baran: If he was executed, would you go watch?

Randy Stewart: You damn right I'd go watch. I would stick the needle in him. I owe that to my son.

Randy Stewart is still waiting for that moment, because that verdict in that courtroom in 1997, that was only the beginning of a court battle that's so far lasted 21 years with no sign of ending.

After that verdict in 1997, Curtis Flowers appealed to the Mississippi Supreme Court and he won. But he didn't get out of prison. He didn't have that moment that you see on the news where you win your appeal, and the prison doors open and your family rushes past the TV cameras to hug you.

Because the prosecutor Doug Evans just decided to try the case again, and again, and again.

In 1999, Curtis Flowers was convicted and sentenced to death for a second time. Again, he appealed. And he won.

WJTV-TV news coverage: A death row inmate will get a new trial, Curtis Giovanni Flowers.

Doug Evans just tried it again.

In 2004, Curtis Flowers was convicted and sentenced to death. He appealed. And he won.

WABG-TV news coverage: Yesterday, in a five-to-four decision, justices agreed with Flowers' attorney that prosecutors erred.

The reason that Curtis Flowers kept winning his appeals is that the Mississippi Supreme Court kept finding that the prosecutor, Doug Evans, had broken the rules. He'd misstated the facts. He'd asked improper questions not in good faith. He'd even violated the Fourteenth Amendment to the U.S. Constitution by striking most black people off the jury.

WABG-TV news coverage: And disqualifying black potential jurors.

But it didn't matter. Doug Evans tried it again.

The case kept going.

In 2007, the jury hung. It couldn't decide on a verdict.

WLBT-TV news coverage: The fourth trial of Curtis Giovanni Flowers has ended in mistrial with a hung jury.

Doug Evans tried it again.

In 2008, another hung jury.

WLBT-TV news coverage: Jurors deliberated more than ten hours when the judge declared a mistrial.

Doug Evans tried it again. Again, Curtis Flowers was convicted and sentenced to death.

WCBI-TV news coverage: Curtis Flowers was sentenced to death on four counts of capital murder in June of 2010. That conviction actually marked the sixth time Flowers had been tried in the case.

In case you're wondering, this isn't double jeopardy. Because double jeopardy would be if you're tried again — after you've already been acquitted. And Curtis Flowers has never been acquitted.

That last conviction was in 2010. The verdict is still under appeal.

Curtis Flowers has never gone home. The exit from one courtroom was just the entrance to another. Six trials, over 21 years.

Randy Stewart, Bobo's father, has been to every one. He watched as the case went on and on, as Curtis won appeals and avoided execution. Randy got more and more frustrated as the years passed.

Randy told me that at a certain point, he decided to take matters into his own hands, to do what the state would not or could not.

Randy Stewart: I was planning on murdering Curtis Flowers. I done had it planned out. I was going to assassinate him, I reckon, you say.

Madeleine Baran: How were you going to do it?

Randy Stewart: I was going to shoot him in the head with a .270 rifle. I even had a guy who was going to give me the gun.

Randy said his plan was to watch for Curtis to arrive at the courthouse and to kill Curtis as he stepped out of the van.

Randy Stewart: You go to so many trials and you, if you paying attention and watching, you can, you know, premeditate it or plan it out. Yeah. I had it out in my head. And I would have carried it out. There's no doubt in my mind. It wasn't going to make no difference. I was going to get rid of him.

Madeleine Baran: Why did you want to kill him?

Randy Stewart: What? 'Cause he killed my son. An eye for an eye. Probably went straight to hell, but at the time it wasn't making no difference. I was in for revenge. And if

it hadn't been for God, I wouldn't be sitting here now. Bobo came to me in a dream and said he was all right, 'Daddy, don't you do this to ruin your life.'

Randy resigned himself to waiting. I found a TV news clip from 2007 where he's talking to a reporter about Curtis' fourth trial.

WLBT-TV news coverage: Randy Stewart: The wheels of justice turn slow. But I'm willing to wait on the wheels of justice.

Curtis Flowers is now 47. He's spent nearly half his life in jail or prison. He continues to insist that he's innocent.

If a case has been tried six times, something has gone wrong.

When I started looking at the case of Curtis Flowers, I read the transcripts of the trials, all the appeals, all the motions.

And right away, I learned that the prosecution's case against Curtis Flowers wasn't built on any one piece of evidence. There was no DNA match, no video surveillance footage, no witness to the murders, nothing that would absolutely prove that Curtis Flowers committed this crime.

Instead, the prosecutor Doug Evans had lots and lots of smaller pieces of evidence, pieces that wouldn't mean much on their own, but Evans had managed to put all those pieces together, so that each one looked like part of a bigger story, a story that was clear and convincing.

It was like Randy Stewart had said. It was a jigsaw puzzle. So I wondered how this case would look if I pulled those puzzle pieces apart and held each one up to the light.

One of the first pieces I looked at was something Doug Evans had talked about in that very first trial. It was something the jurors heard right before they had to decide whether to sentence Curtis Flowers to death. Doug Evans told them that when Curtis was a teenager, he'd done something that sounded really bad. He'd pointed a gun at another teenage boy, said "I'm going to shoot you," pulled the trigger, and shot him in the chest. The way Doug Evans described it, it sounded intentional.

Our producer Samara tracked down the boy who Curtis had shot. His name is James Douglas, and he's now 46. The address she had for him turned out to be the address of his mother, Willie Mae. James lives in Chicago now. But Willie Mae called him.

(Willie Mae dials the number)

Willie Mae: Hello? Hey, James? Hey Woodie. OK, it's a lady here, she want to talk to you about Curtis Flowers. Wait a minute, Woodie, she's just want—. OK. What you said your name was?

Samara Freemark: Samara.

Willie Mae: Tamaras?

Samara Freemark: Samara.

Willie Mae: OK. I'm a put you on a speakerphone. OK.

Samara: Hi, James? James? Hi, can you hear me?

James Douglas: Yes.

James told Samara what had happened. He said that one day back in high school, he'd gone to Curtis' house between exams. Curtis' parents weren't home.

James Douglas: We was on the front porch, and he said, 'Do you believe my daddy got a gun?' I said, 'Yeah, he probably do.' And he went into the house and got the gun.

James said Curtis was playing with the gun, whipping it up and down like he was pulling it out of a holster in an old Western.

James Douglas: And then it just boom. The gun went off. He pulled the trigger.

James said Curtis never told him what Doug Evans claimed he did — that line, "I'm going to shoot you." And he said he and Curtis weren't in an argument or anything.

Samara Freemark: Were you guys having a fight like when he did it?

James Douglas: No, no. That didn't happen.

Willie Mae: That didn't happen.

James Douglas: No. We didn't have no beef. We didn't have no problems at school. No problems.

Willie Mae: He just want to do something ignorant, I say. He was just ignorant.

Curtis had shot James in the chest, but the boys decided to just go back to school. James zipped his windbreaker over the bullet wound and they headed back. James sat down at his desk. It didn't take long for another kid to notice he was bleeding, and James was sent to the hospital.

The shooting was investigated by the police chief of Winona at the time. The chief said it appeared to be an accident, not intentional.

And it seemed like Doug Evans should have known this, because the police chief back then who made the determination that the shooting was most likely an accident was John Johnson. John Johnson. The same man who by the time of the Flowers' case was Doug Evans' investigator.

The story that Doug Evans had presented to the jurors, that made the shooting seem intentional, didn't seem to be true.

That made me wonder about what else Doug Evans had told the jurors — the entire story that Doug Evans had used to try to convince them over six trials that Curtis Flowers was guilty, the story that had cost Curtis Flowers his freedom, that led to Curtis spending the past 21 years in a cell, far away from his family, the story that could even cost Curtis Flowers his life.

What about that story? The whole story, the entire case. Was that story true?

In June of last year, I moved to Mississippi to find out.

Coming up this season on *In the Dark*.

(Montage)

James Bojack Kennedy: First of all, that's confidential. We're not supposed to talk about that.

[door slams]

Parker Yesko: So the last one was full of empty filing cabinets.

Madeleine Baran: Whoa

Parker Yesko: And this one is full of records.

Madeleine Baran: Oh wow—.

Johnny Earl Campbell: They said that he was in the wrong place at the wrong time. And so that's how he got caught up in that.

Frederick Veal: I was young and stupid. That's just like me putting a gun to that man's head and blowing his brains out.

John Johnson: Did I lead you to say anything?

Clemmie Fleming: No

John Johnson: Was your statement free and voluntary?

Clemmie Fleming: Yes.

Nelson Forrest: Mississippi, Mississippi. You know, we all know what goes on in Mississippi. Once we get you in the courtroom, you're ours. If you're black, we got you.

Judge Loper: You have a seat Mr. Carter, you have not been released! I don't know who you think you are to storm out of this court, but—.

Renee Hill: Doesn't anyone want to see justice? I mean it would be anybody, I'd want to see justice for anybody.

Madeleine Baran: Are you confident that you have the right person, that Curtis Flowers is guilty?

Doug Evans: That I will answer. Definitely. No question at all.

Samara Freemark: Okay, so I'm going to write 'I'm not setting you up. I'm a reporter. We just want to talk to you.'

In the Dark is reported and produced by me, Madeleine Baran, senior producer Samara Freemark, producer Natalie Jablonski, associate producer Rehman Tungekar, and reporters Parker Yesko and Will Craft.

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You can see photos and videos and check out documents from the case on our website — inthedarkpodcast.org. We'll be posting new stuff every week.